

REMARKS:

Claims 24-30, 33, 35, 36, 41-45, 48-54, 56-63, 65-72, and 76-79 remain pending in this application.

Examiner Interview

Applicant thanks Examiner Lovel and Primary Examiner Watson for the courtesy of speaking with Applicant's undersigned representative by telephone on August 10, 2010. During the interview, claim 24 was discussed with respect to the present rejections. The Examiners agreed that the proposed combination of references in the present rejection does not teach or suggest each and every limitation of claim 24, and agreed to withdraw the present rejections upon submission by Applicant of a response that included the reasons discussed in the interview. Accordingly, Applicant's argument below reflects this discussion (and further includes additional reasons not discussed in the interview as to why the claims distinguish over the presently cited art).

Section 103 Rejections

All pending claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Irons et al. (U.S. Patent Pub. No. 2002/0111960) in view of Green (U.S. Patent 5,794,242), and in further view of Payne et al. (U.S. Patent 6,092,090). Office Action at 3. Applicant respectfully traverses these rejections, and submits that the Examiner has failed to make a *prima facie* case of obviousness with respect to the pending claims. See MPEP § 2143.

As a threshold matter, Applicant respectfully notes the Examiner has not shown that Irons's '960 publication (hereinafter "Irons") is prior art under any provision of 35 U.S.C. § 102. Irons has a filing date of October 25, 2001, but as previously argued, all independent claims in this case are entitled to a priority date of at least September 17, 2000. The Examiner asserts that "the Irons reference [the '960 publication] is . . . considered to have priority prior to September 17, 2000" because "the Irons reference is a CIP of [U.S. App. No.] 09,436,130." See Office Action at 8. Applicant notes that for this statement to be true, however, "the subject matter used in the [present] rejection must be disclosed in the earlier-filed ['130] application in compliance with 35 U.S.C. 112, first paragraph." MPEP § 2136.03(IV). While Applicant assumes *arguendo* that the necessary disclosure is present in the earlier '130 application, the Examiner has not

actually demonstrated that Irons is prior art. Accordingly, until the Examiner conclusively demonstrates an earlier effective date for Irons, Applicant reserves the right to argue this point at a later date.

Irons

Irons is directed to “simultaneously managing paper-based documents and digital images of the same.” Irons at ¶0019. Irons “allows users to index and label documents prior to scanning/imaging,” and further teaches that “each paper-based document will be assigned a globally unique identifier . . . [that] is preferably pre-printed on an adhesive backed label” See *id.* at ¶0020. Thus in Irons, “bar code[s]” may be “pre-printed on labels” that are used to identify paper documents. See, e.g., *id.* at ¶0043. The “globally unique identifier” disclosed by Irons “can be used to retrieve [a] digital image of [a] paper-based document and/or retrieve the associated physical paper.” *Id.* at ¶0041.

Green

Green is directed to ensuring that “index records and data records of a data structure are organized in a hierarchical manner,” Green Abstract, and further teaches that these “data and index records” “are chronologically written,” see Green at col. 4, lines 63-64. Green discloses that “chronological sequencing is maintained by storing the data at successively higher ‘logical’ addresses of [a medium].” *Id.* at col. 5, lines 5-7. Thus in Green, “data written at lower logical addresses are older than data written at higher logical addresses.” Col. 5, lines 7-9. In this manner, Green permits (for example) a “restore of selected . . . records while reading [a] back-up media in a single forward direction.” Green at col. 2, line 66 to col. 3, line 2. Green thus teaches a data structure (*i.e.*, a database) in which logical addresses are used to chronologically order data.

Payne

Payne discloses “a system for managing large quantities of business related documents stored electronically.” See Payne Abstract. The Examiner cites Payne, however, only for the “limitation of a storage array storing the attributes.” Office Action at 5. The substance of the Examiner’s rejection of claim 24 is thus largely focused on the proposed combination of Irons

and Green, *see* Office Action at 2-5, and Applicant's arguments below are likewise focused on the Irons and Green references.

The Proposed Combination is Not Adequately Explained in the Rejection

Applicant respectfully submits that, as a threshold matter, the Examiner has failed to "properly communicate the basis for [the] rejection so that the issues can be identified . . . and the applicant can be given fair opportunity to reply." *See* MPEP § 706.02(j). While the Examiner has cited three references, virtually no explanation is given by the Examiner in the body of the rejection of claim 24 other than to briefly cite a few paragraphs in the references. *See* Office Action at 3-5. It is thus unclear what the proposed combination of the references is intended to resemble, and the rejection does not give Applicant a "fair opportunity to reply," as no specific text or elements of figures, for example, is listed by the Examiner.

The Proposed Combination Fails to Teach or Suggest "Unique Time-Based Identifier Identifying a Date and Time of Day . . ."

As agreed in the interview by Examiners Lovel and Watson, the proposed combination fails to teach or suggest "generating . . . a unique time-based identifier identifying a date and time of day that [an] electronic document was received by [a] computer system" as recited in claim 24 (even assuming that a motivation to combine the cited references exists, which Applicant does not concede). Applicant notes that the rejection concedes that Irons "fails to explicitly disclose" this element, and turns to Green to satisfy this defect of Irons.

Green, however, also fails to teach or suggest this element. The Examiner appears to allege that the recited "unique time-based identifier identifying a date and time of day that [an] electronic document was received by [a] computer system" (emphasis added) is disclosed by Green at col. 2, lines 38-52, and/or by a reference within Green to a "timestamp." *See* Office Action at 4. What Green teaches at the col. 2 location, for example, is that by manipulating data "pointers," "the chronological evolution of [a] database 160 over time is preserved." *See* Green at col. 2, lines 36-50. Green accomplishes chronological preservation of data through the use of "logical segment numbers" that "indicate relative age" of the data. *See, e.g., id.* at col. 5, lines 28-30 (emphasis added). Those logical segment numbers do not teach or suggest, however, "generating a unique time-based identifier identifying a date and time of day that that [an]

electronic document was received” as in claim 24 (emphasis added). Instead, Green simply notes, for example, that “logical segment numbers 510 can be assigned . . . in a monotonically increasing order.” Green at col. 5, lines 24-26 . Additionally, while Green refers to “time-stamps” in passing, *see, e.g., id.* at col. 2, lines 6-20 and at col. 6, line 65, these brief mentions do not appear to teach or suggest the above-recited element of claim 1. Applicant further notes that the Examiner does not actually *cite* these locations, and provides no explanation of how Green teaches or suggests the above-mentioned element of claim 24 beyond a simple citation to Green at col. 2, lines 38-52 and a single mention of term “timestamp” in the body of the rejection. *See* Office Action at 4.

Applicant thus submits that neither Irons nor Green nor the proposed combination thereof teaches or suggests “generating . . . a unique time-based identifier identifying a date and time of day that [an] electronic document was received by [a] computer system” as recited in claim 24. (Applicant further notes that Payne is not alleged to teach this element, *see* Office Action at 5.) In addition to this shortcoming, the proposed combination also fails to teach or suggest another element of claim 24.

The Proposed Combination Fails to Teach or Suggest a “Plurality of Tables . . .”

An additional reason claim 24 is not taught or suggested by the proposed combination is that although the Examiner apparently contends that Irons teaches “storing . . . a respective plurality of attributes relating to [an] electronic document in each of a plurality of tables of a relational database,” *see* Office Action at 3, the rejection does not appear adequately establish that Irons teaches even a “*plurality of tables*” as recited in claim 24. While the Examiner cites Irons at paragraphs 0047 and 0078 for the above-mentioned element, these paragraphs discuss, *e.g.*, “unique identifiers” and the use of “labels” on physical “file folders.” *See* Irons at ¶0047 and ¶0078. It is unclear what portions of these paragraphs, if any, allegedly teach or suggest a “plurality of tables.” Irons does makes a brief mention of “an intermediate lookup table” in ¶0095, but none of its figures depict tables, *see id.* at Figs. 1-7, and the Examiner offers no insight into the Irons reference with regard to this claim element beyond a mere reference to paragraphs 0047 and 0078, *see* Office Action at 3.

The above-noted failing of Irons aside, Applicant further submits that both Irons and Green fail to teach or suggest “a plurality of tables of a relational database . . . , wherein at least

one of the plurality of tables includes [a] generated unique time-based identifier as one of its respective plurality of attributes, [and] wherein the generated unique time-based identifier is usable to access each of the plurality of tables” as recited in claim 24 (emphasis added). As the Examiner concedes, Irons does not disclose “generating a . . . unique time-based identifier identifying a date and time of day that . . . [an] electronic document was received.” Office Action at 4. It thus would not appear that Irons teaches or suggests that a “generated unique time-based identifier is usable to access each of the plurality of tables” as in claim 24, and no explanation for this apparent contradiction is provided. *See* Office Action at 3-4. Green also does not teach or suggest the above-mentioned element of claim 24 (though Applicant notes, however, that it is unclear whether the Examiner’s rejection actually relies on Green in this regard, *see id.*). Applicant nonetheless submits that while Green generally discusses, for example, a “database” and “data records”, *see, e.g.*, Green at col. 4, lines 5-26, Green does not teach or suggest “a plurality of tables of a relational database . . . , wherein at least one of the plurality of tables includes [a] generated unique time-based identifier as one of its respective plurality of attributes, [and] wherein the generated unique time-based identifier is usable to access each of the plurality of tables” as recited by claim 24 (emphasis added). For example, Green never appears to make reference to a first table and a second table, each of which can be accessed using a same identifier, let alone the use of a “unique time-based identifier” as recited in claim 24.

Applicant thus submits that neither Irons nor Green nor the combination thereof teaches or suggests a “plurality of tables . . . ” as recited in claim 24. Applicant notes that Payne is not alleged to teach any of the above-discussed elements of claim 24, and submits that reference does not remedy any of the above-noted defects of Irons or Green. *See* Office Action at 5.

For at least the reasons above, the Examiner has failed to demonstrate that the proposed combination of cited references teaches or suggests at least two elements of claim 24. Applicant thus respectfully requests withdrawal of the § 103 rejections of claim 24 and its dependent claims. Further, while the remaining independent claims (41, 48, and 56) vary in scope from claim 24, Applicant requests withdrawal of the § 103 rejections of these independent claims and their respective dependent claims for at least similar reasons to those argued above with respect to claim 24.

CONCLUSION:

Applicant respectfully submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such extension.

Although no fee is believed to be due as a result of this submission, the Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5957-72402/AAC.

Respectfully submitted,

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By: /Alex A. Courtade/
Alex A. Courtade
Reg. No. 65,635

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8879